

Gary R. Mitchell
1851 Laurinda Dr. **ORIGINAL**
San Jose, CA 95124 **FILE**

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Office of the Secretary,
Federal communications Commission
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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

RE: PR Docket 92-136, (amateur radio reg. 97.113, business communications)

I understand you are proposing to relax the regulation forbidding amateur radio operators to transmit messages which might facilitate the business affairs of any party. My feeling on this is: **Well, it's about time!**

EXAMPLES OF PROBLEMS WITH CURRENT RULES

I am on the board of directors of the Santa Clara County Amateur Radio Association (SCCARA, a non-profit organization). We own and operate a 2 meter repeater for general use by the amateur community. The forbidding of "business communications" by radio amateurs has proved to be ridiculously restrictive. Let me give a few examples:

The board is charged with the duties of conducting the *business affairs* of the club. This means members of the board cannot discuss any of our activities on the air among our selves or other members. We often speak to each other on the 2 meter band while going to and from meetings and during weekly nets (meetings on the air); but we can't say anything on the air about the agenda, nor can a regular club member remind one of us to discuss an issue at a board meeting, because that would "facilitate the business" of the club.

Suppose I want to send an article for our news letter to the club editor via packet. As far as I can tell, this is conducting club business on the air--and therefore is forbidden.

We regularly use a local electronic flea market as a fund raiser with donated items. Since this activity is a money maker for the club, it's considered "club business." Our repeater is the primary means of contact between members. We would like to use our repeater to coordinate our selves and as a means for members to contact club officials regarding equipment donations to the club for the flea market. However, this all would fall under "the facilitation of business affairs" and is therefore not permitted.

It would be nice to be able to send a packet message to the A.R.R.L.; however, this too may, depending on the message content, be considered "conducting business" from the A.R.R.L.'s perspective.

The quantity of such examples is infinite. Surely, this was never the intent of the rules, but this is the result!

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SPECIFIC COMMENTS ON PROPOSED RULES 97.113

In my opinion, the proposed rule revisions have several defects. The result is to generate unnecessary restrictions in some cases.

1) Paragraph a) subparagraph 2 allows amateurs to "...notify other amateurs of the availability for sale or trade, of apparatus *normally used* in an amateur station, *provided that such activity is not conducted on a regular basis*,". How does an item qualify as being "normally used" in an amateur station? What is "on a regular basis?" I suggest changing the phrase "normally used" to "that could be used." This would allow for special or unusual equipment, while retaining the restriction of items related to amateur radio. Also, the phrase "conducted on a regular basis" should be changed to "part of the operator's occupation". The word "regular" is too vague; on the other hand, my suggested change would preclude those who typically trade used equipment for a living.

2) Paragraph a) subparagraph 4 is far too vague and forbids communications that could be done through other radio services. This would result in the same sort of ridiculous restrictions that prompted these changes in the first place. For example: CB is an alternate radio service which could substitute most amateur communications. I urge that it be omitted.

3) Paragraph b) forbids amateurs from engaging "in any activity related to program production or news gathering for broadcasting purposes (except in an emergency)." I think this is unnecessarily restrictive--it prevents the operator from demonstrating amateur radio to the news media, except during an emergency. It also forbids amateur stations from transmitting one-way communications; however, no provision is made to allow for beacons, bulletins, transmissions made to several other amateurs in a group or net, etc. Broadcasting is also forbidden. Aside from some kinds of broadcasting, paragraph a) subparagraphs 1 and 2 are sufficient to guard against use by the media for commercial activity. Only broadcasting intended for the *general public* should be restricted; not to other amateurs. In other words, one-way communications between amateurs, groups of amateurs, or amateur equipment (remote control) should be allowed. No restriction should be made as to the content of information bulletins (as opposed to sale bulletins) transmitted to other amateurs. Aside from anything else, this would violate freedom of speech. I suggest dropping most of this, leaving only restrictions against broadcasting intended for the general public.

4) Paragraph c) allows teachers to be compensated (for teaching) even when an amateur radio station is used "as part of classroom instruction at an educational institution." This limits the lesson to a particular place--that is not always practical. I suggest changing the quoted statement to "as part of a lesson."

5) Paragraph e) ends with a sentence specifying that certain transmissions "not be conducted on a regular basis..." This is too vague (i.e. what's "regular") and isn't necessary. I urge that it be omitted.

CURRENT PROPOSED REVISION TO 97.113, WITH MY CHANGES

The following is a copy of the proposed revision of 97.113, with my additions in **bold type** and my deletions in ~~strikeout type~~:

97.113 Prohibited transmissions.

(a) *No amateur station shall transmit:*

- (1) *Communications for hire or for material compensation, direct or indirect, paid or promised, except as otherwise provided in these rules;*
- (2) *Communications in which the station licensee or control operator have a pecuniary interest, including communications on behalf of an employer. Amateur operators may, however, notify other amateurs of the availability for sale or trade, of apparatus ~~normally that could be used in an amateur station, provided that such activity is not conducted on a regular basis~~ **part of the operator's occupation**;*
- (3) *Music; Communications intended to facilitate a criminal act; Messages in codes or ciphers intended to obscure the meaning thereof, except as otherwise provided herein; Obscene, indecent, or profane words or language; or false or deceptive messages, signals, or identification;*
- (4) ~~*Communications, on a regular basis, which could reasonably be furnished alternatively through other radio services.*~~

(b) *An amateur station shall not engage in ~~any form of~~ **broadcasting intended for the general public.** ~~nor may an amateur station transmit one way communications, except as specifically provided in these rules; nor shall an amateur station engage in any activity related to program production or news gathering for broadcasting purposes, except that communications directly related to the immediate safety of human life or the protection of property may be provided by amateur stations to broadcasters for dissemination to the public where no other means of communication is reasonably available before or at the time of the event.~~*

(c) *A control operator may accept compensation as an incident of a teaching position during periods of time when an amateur station is used by that teacher as a part of ~~classroom instruction at an educational institution~~ **a lesson.***

(d) *A control operator of a club station may accept compensation for the periods of time when the station is transmitting telegraphy practice or information bulletins, provided that the station transmits such telegraphy practice and bulletins for at least 40 hours per week; schedules operations on at least six amateur service MF and HF bands using reasonable measures to maximize coverage; where the schedule of normal operating times and frequencies is published at least 30 days in advance of the actual transmissions; and where the control operator does not accept any direct or indirect compensation for any other service as a control operator.*

(e) *No ~~amateur~~ station shall retransmit programs or signals emanating from any type of radio station other than an amateur station, except propagation and weather forecast information originating from United States Government stations, and communications originating on United States Government frequencies between a space shuttle and its associated Earth stations. Prior approval for such retransmissions must be obtained from the National Aeronautics and Space Administration. Such retransmissions must be for the exclusive use of amateur operators. ~~Propagation, weather forecasts, and shuttle retransmissions may not be conducted on a regular basis, but only occasionally, as an incident of normal amateur radio communications.~~*

(f) *No amateur station, except in auxiliary, repeater, or space operation, may automatically retransmit the radio signals of other amateur stations.*

Sincerely,

Sandy R. Mitchell